

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEPHEN ETZWILER,

Plaintiff,

vs.

CLARK COUNTY WATER RECLAMATION
DISTRICT,

Defendant.

Case No. 2:10-cv-00273-PMP-PAL

ORDER

The court conducted a telephonic status conference on December 7, 2010. Sharon Nelson appeared on behalf of the Plaintiff, and Robert Friedman appeared on behalf of the Defendant.

The parties were attempting to schedule Rule 30(b)(6) depositions on the same day. This proved impractical, and the depositions are tentatively set for December 10 and 13, 2010. Plaintiff's deposition was scheduled, but has been vacated and rescheduled for December 13, 2010 at Plaintiff's request. Defense counsel received Plaintiff's production of medical records yesterday with the records he was expecting and records from another provider he was unaware of, Judy Seymore. Dr. Roseman has still not responded to request to produce documents pursuant to an authorization release. Counsel for Defendant originally requested the records October 6, 2010. He followed up with messages on November 8, 2010, and December 6, 2010. Dr. Roseman indicated he would fax the records yesterday but did not do so. Dr. Etcoff has scheduled an independent medical examination ("IME") for two separate dates. The first half of the IME will be conducted December 15, 2010, and the second half approximately a month later in January. He will need thirty days to prepare a report.

Counsel for Plaintiff has contacted the Plaintiff's Employee Assistant Plan ("EAP") counselor whom Plaintiff saw two or three times. The counselor advised her that he does not have any records of his sessions with the Plaintiff and will provide an affidavit confirming so. Plaintiff anticipates

1 designating a rebuttal expert, but may rely on a treating physician to rebut Dr. Etkoff's findings.


2 Accordingly,

3 **IT IS ORDERED** that the court will extend the Discovery Plan and Scheduling Order deadlines
4 to enable the parties to complete the discovery described in this order as follows:

- 5 a. Last date to complete fact discovery: **December 30, 2010.**
- 6 b. Last date to complete Dr. Etkoff's IME: **January 14, 2011.**
- 7 c. Last date to serve Dr. Etkoff's report: **February 15, 2011.**
- 8 d. Last date to designate rebuttal experts: **March 15, 2011.**
- 9 e. Last date to file dispositive motions: **April 15, 2011.**
- 10 f. Last date to file joint pretrial order: **May 15, 2011.** In the event dispositive motions are
11 filed, the date for filing the joint pretrial order shall be suspended until 30 days after a
12 decision of the dispositive motions.
- 13 g. The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections thereto, shall be
14 included in the pretrial order.

15 **IT IS FURTHER ORDERED** no further extensions will be allowed.

16 Dated this 7th day of December, 2010.

17
18 
19 Peggy A. Leen
United States Magistrate Judge